

REMARKS

This is a full and timely response to the outstanding final Office Action mailed November 14, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

A. Rejection of Claim 27

Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Applicant's Admitted Prior Art* ("AAPA") in view of *Kujirai, et al.* ("Kujirai," U.S. Pat. No. 6,618,566). Applicant respectfully traverses.

Claim 27 provides as follows:

27. A port monitor that operates on a peripheral server, comprising:

a job information collection module configured to assign unique job identifiers to print jobs, to collect and correlate pre-print and post-print information, the pre-print information being obtained from a host operating system and the post-print information being obtained from a peripheral device that is configured to print jobs, and to store the correlated pre-print information and post print information for later reference.

In the Office Action, the Examiner argues that Applicant's "Background" section teaches a "port monitor" on a "peripheral server" that collects and correlates pre-print and post-print information. This is not true. At best, Applicant's Background section describes a peripheral server obtaining pre-print information. That section says nothing, however, about the peripheral server also obtaining post-print information. To the contrary, it is a separate "management server" that collects the pre-print information from the peripheral

server and the post-print information from the printer and then correlates that information. Applicant's specification, page 1 line 23 to page 2, line 4. It is that process that Applicant explicitly criticizes and, therefore, teaches away from, on page 2. Given that Kujirai provides no teaching or suggestion of a peripheral server obtaining and/or correlating pre- and post-print information, it follows that the proffered combination fails to teach or suggest each of the explicit limitations of claim 27.

B. Rejection of Claims 1-14, 16-20, 22-26, 28-33, and 35-43

Claims 1-14, 16-20, 22-26, 28-33, and 35-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA and *Kujirai* as applied to claim 27, in view of *Kassan, et al.* ("Kassan," U.S. Pub. No. 2002/0161717). Applicant respectfully traverses this rejection.

As identified above, the "admitted prior art" and *Kujirai* do not teach or suggest aspects of Applicant's independent claim 27. Applicant respectfully submits that dependent claims 28-30 are allowable for at least the same reasons that claim 27 is allowable.

Regarding the other remaining claims, the cited prior art does not teach or suggest a "port monitor of a print server" that obtains and correlates pre-print information and post-print information about a print job, as recited in independent claim 1, computer-readable media having computer readable instructions thereon that cause a "print server" to obtain and correlate pre-print information and post-print information as recited in independent claim 31, or a "computer" (i.e., a single computer) that receives a print job, assigns it a job identifier, and obtains and correlates pre-print information and post-

print information as recited in independent claim 37. For at least those reasons, the other remaining claims are also allowable over the cited prior art.

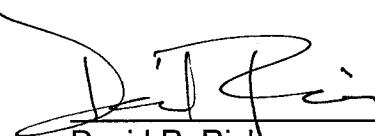
II. Canceled Claims

Claims 6, 15-26, 34-36, and 38 have been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David R. Risley
Registration No. 39,345